

# **EXHIBIT J**

GOODWIN | PROCTER

Jennifer A. Albert  
202.346.4322  
JAlbert@goodwinprocter.com

Goodwin Procter LLP  
Counselors at Law  
901 New York Avenue NW  
Washington, DC 20001  
T: 202.346.4000  
F: 202.346.4444

December 16, 2009

**Via E-Mail**

William D. Schultz  
Merchant & Gould P.C.  
3200 IDS Center  
80 South 8th Street  
Minneapolis, MN 55402-2215

**Re: *ePlus, Inc. v. Lawson Software, Inc.*  
Civil Action No. 3:09cv620 (REP)**

Dear Will:

This letter follows-up on *ePlus*'s items outstanding from yesterday's meet and confer.

***ePlus* Production of Expert Reports  
From *SAP* and *Ariba* Litigations**

*ePlus* has produced, or will produce, all expert reports from the *SAP* litigation except for two which include third-party confidential information. (We found one expert report of Dr. Weaver from the *SAP* case which had been inadvertently omitted from our production. It will be produced in our next production.)

We have produced all non-confidential reports from the *Ariba* litigation and have produced three confidential reports in redacted form (one of Dr. Weaver, one of Mr. Yerman and one of Mr. Sims.)

With respect to those expert reports from the *SAP* case and *Ariba* case that we have not produced, as you are aware, we are bound by Protective Orders entered by the Courts in those cases. Pursuant to those Protective Orders, we contacted both *Ariba*'s and *SAP*'s counsel to seek permission to produce their documents to you.

*Ariba* has indicated that it will not consent to the production in this litigation of documents containing its confidential information. Six of the expert reports submitted in the *Ariba* litigation include *Ariba*'s confidential information: the Weaver Initial Infringement Expert Report, the Frieder Initial Infringement Report, the Jeffay

## GOODWIN | PROCTER

William D. Schultz  
December 16, 2009  
Page 2

Noninfringement Report, the Manbeck Report, the Sims Report and the Yerman Report. Therefore, we are not authorized to produce them.

Although SAP's counsel has authorized us to produce documents containing its confidential information, it did not have authority to grant authorization for us to produce documents that include third parties' confidential information: the Weaver Initial Infringement Report, the Frieder Initial Infringement Report, the Jeffay Noninfringement Report, the Manbeck Report, the Sims Report and the Yerman Report. The two expert reports from the *SAP* litigation that have not been produced include multiple third parties' confidential information which we are not authorized to produce and cannot produce according to the Protective Order entered by the Court in that litigation.

If Lawson receives permission from Ariba and the affected third parties and/or obtains orders from the *Ariba* and *SAP* Courts modifying the Protective Orders from those cases to enable us to produce the remaining expert report materials, *ePlus* will produce such materials thereafter.

### ***ePlus* Production of Trial Exhibits and Demonstratives from *SAP* and *Ariba* Litigations**

To our knowledge, *ePlus* has produced all of the trial exhibits from both the *Ariba* and *SAP* litigations. See ePLUS 0201751- ePLUS 0206913, ePLUS 0207001- ePLUS 0229212, ePLUS 0428561, ePLUS 0489172- 0488495, ePLUS 0529226- ePLUS 0529234, ePLUS 0705220- ePLUS 0715581- ePLUS 0940840- ePLUS 0940861.

*ePlus* has also produced all demonstratives from both trials that are in its possession, custody or control. See ePLUS 0206919- ePLUS 0207000, ePLUS 0229221- ePLUS 0229490, ePLUS 0526323- ePLUS 0526334.

*ePlus* has also produced several lists of trial exhibits. Some of them may be found at ePLUS 0232752- ePLUS 0232778, ePLUS 0232790- ePLUS 0232837, ePLUS 0237388- ePLUS 0237464 and ePLUS 0237465- ePLUS 0237571. There may be other trial exhibit lists in the productions as well.

### ***ePlus* Production of Allegedly Excessively Large Documents**

We have investigated the Bates ranges identified in your letter of November 16 with respect to documents you contend have excessively large Bates ranges. They appear to all be related to the IDS that was submitted to the PTO in connection with the reexamination of the '683 Patent. The manner in which the documents were produced to Lawson is the same manner in which the documents are retained in *ePlus*'s database. Of

## GOODWIN | PROCTER

William D. Schultz  
December 16, 2009  
Page 3

course, ePlus's IDS is publicly available from the PTO's PAIR website and Lawson may access the PTO's database to retrieve copies of these same documents.

With respect to production issues, we have noted on numerous occasions to Lawson that Lawson's productions have not been in compliance with our Agreed Discovery Plan which was entered by the Court. The parties agreed in their Discovery Plan that "[d]ocuments shall be produced in single page TIFF format, except for nonstandard file types such as databases and spreadsheets, which should be produced in native format. The OCR of each document and/or extracted text with metadata shall also be exchanged." ¶ 12, Agreed Discovery Plan.

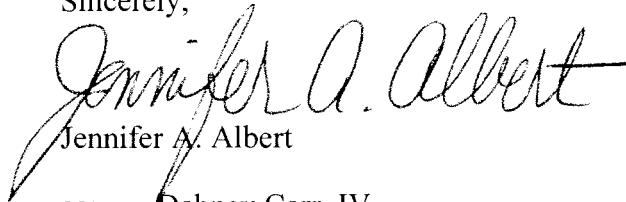
A number of Lawson's productions have been in native format without OCR and/or extracted text with metadata, as is required under the parties' Discovery Plan. There are currently almost 86,000 files which Lawson has produced in native format without OCR or extracted text with metadata as is required. ePlus is incurring significant cost to have Lawson's native productions put into the proper format. When ePlus has produced native files to Lawson, it has done so in a manner which complies with the Discovery Plan and has provided either OCR and/or extracted text with metadata. This is not a difficult thing for your production vendor to do. We would appreciate it if you could comply with the Discovery Plan with respect to your productions going forward. Moreover, a listing of the files for which we currently require either OCR and/or extracted text with metadata is attached. We would appreciate your prompt attention to providing us either OCR or extracted text with metadata for such files.

### **Cost Estimate For Processing Feld Production**

Our production vendor has estimated the costs associated with processing the Feld production (*e.g.*, TIFFs and Bates-labelling) at \$4500-\$5000.

Please let us know if you have a proposal with regard to this production.

Sincerely,



Jennifer A. Albert

cc: Dabney Carr, IV  
Robert Angle  
Craig Merritt  
Henry Willett